

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

FRANKIE JAMES GARNER,
Petitioner

v.

CIVIL ACTION NO.:
04-12017-EFH

LOIS RUSSO,
Respondent.

ORDER

June 2, 2005

HARRINGTON, S.D.J.

This is pursuant to an Order of the United States Court of Appeals for the First Circuit, entered March 9, 2005, transmitting Petitioner/Appellant Garner's Motion to Proceed on Appeal *In Forma Pauperis* for action by this Court. The Court denies petitioner/appellant's Motion to Proceed on Appeal *In Forma Pauperis* on the ground that such appeal is frivolous. See this Court's Order of Dismissal, dated December 10, 2004.

SO ORDERED.

/s/ Edward F. Harrington_____
EDWARD F. HARRINGTON
United States Senior District Judge